

**FILE NO: PSC2007-3003**

**TITLE: LEGISLATIVE COMPLIANCE POLICY**

**OWNER: GOVERNANCE SECTION MANAGER**

## **1. PURPOSE:**

- 1.1 Council is committed to conducting its functions and activities lawfully and in a manner that is consistent with its compliance obligations.
- 1.2 The Legislative Compliance Policy (**Policy**) establishes the overarching principles and commitment to action for Council with respect to achieving compliance by:
  - a) Identifying a clear legislative compliance framework within which Council operates;
  - b) Promoting a consistent, rigorous and comprehensive approach to compliance throughout Council;
  - c) Developing and maintaining practices that facilitate and monitor compliance within Council;
  - d) Seeking to ensure standards of good corporate governance; and
  - e) Engendering a culture of compliance where every person within Council accepts personal responsibility for compliance.

## **2. CONTEXT/BACKGROUND:**

- 2.1 This policy applies to Councillors and all Council officers. Council's legal and regulatory compliance obligations include legislative, regulatory, and contractual as well as Council's policies, procedures, guidelines and management directives.
- 2.2 ~~The policy recognises the balance between Council's responsibility to ensure compliance and its ongoing objective of enhancing community relations and awareness.~~

## **3. SCOPE:**

- 3.1 The Policy is aligned with Council's objectives as articulated in the Council Integrated Plans.
- 3.2 Council recognises that there are four elements for an effective compliance program:

# Policy

- a) Commitment – to and the establishment of a compliance program;
- b) Implementation – of a compliance program, including ongoing education and maintenance;
- c) Monitoring and Measuring – reporting and supervision of the compliance program; and
- d) Continual Improvement – regular review and continual improvement of the compliance program.

## 4. DEFINITIONS:

4.1 An outline of the key definitions of terms included in the policy.

Compliance	Adhering to the requirements of laws, industry and organisation standards and codes, principles of good governance and accepted community & ethical standards
Council officer	An employee, contractor or volunteer acting on behalf of Council

## 5. STATEMENT:

5.1 Council shall have appropriate processes and structures to ensure that legislative requirements are achievable and are integrated into the day to day operations of Council.

5.2 The processes and structures will aim to:

- a) Develop and maintain a system for identifying the legislation that applies to Council's activities and functions.
- b) Assign responsibilities for ensuring legislative and regulatory obligations are fully implemented by Council.
- c) Provide education and awareness for Councillors and Council officers in the legislative requirements that affect them.
- d) Provide people with the resources to identify and remain up-to-date with legislative changes.
- e) Establish a mechanism for reviewing situations where non-compliance has occurred.
- f) Review and assess the system for compliance.

## 6. RESPONSIBILITIES:

6.1 General Manager, Governance Section Manager and Legal Services Manager are responsible for the implementation of this policy in conjunction with other Council officers as appropriate.

## 7. RELATED DOCUMENTS:

7.1 Legislative Compliance Database.

### CONTROLLED DOCUMENT INFORMATION:

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<b>EDRMS container No.</b>	PSC2007-3003	<b>EDRMS record No.</b>	21/17491
<b>Audience</b>	Port Stephens Community and Council officers		
<b>Process owner</b>	Legal Services Manager		
<b>Author</b>	Legal Services Manager		
<b>Review timeframe</b>	2 <b>3</b> years	<b>Next review date</b>	December 2022
<b>Adoption date</b>	8 December 2020		

### VERSION HISTORY:

Version	Date	Author	Details	Minute No.
1.0	28/6/2016	Manager Legal Services	Creation of Policy	193
2.0	9/10/2018	Manager Legal Services	Formatting amended to reflect the current template for policies – no other amendments require.	124
3.0	8/12/2020	Legal Services Manager	Formatting to reflect current template for policies, including numbering paragraphs and sub-paragraph and updating the version control.  Updated title of policy owner. 1.2, 3.2 and 5.2 – changed bullet points to sub-paragraph alphabetical numbering 6.1 – updated title of Legal Services Manager.	281

Version	Date	Author	Details	Minute No.
4.0		Legal Services Manager	<p>2.2 – deleted as this statement applies to compliance where Council is the regulatory authority rather than where Council itself has compliance obligations to meet.</p> <p>Review timeframe has been changed to 3 years.</p>	